

CAMDEN PLANNING BOARD

Minutes of Meeting

September 1, 2011

PRESENT: Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Members Sid Lindsley and Nancy McConnel; Select Board Liaison Don White; and CEO Steve Wilson

The meeting was called to order at 5:00 pm

1. PUBLIC COMMENT on NON-AGENDA ITEMS:

No one came forward.

2. MINUTES:

July 20, 2011:

Page 3: Line 26: "if it is doors and windows."

Page 4: Line 44: "dated July 19, ~~2004~~ 2011."

Page 5: Line 4: The word "warrants" should be "warrant".

MOTION by Mr. MacLean seconded by Mr. Sabanty to approve the Minutes of July 20, 2011 as corrected.

VOTE: 5-0-1 with Ms. McConnel abstaining due to her absence

August 3, 2011

Page 3: Line 41: The word "budge" should be "budget".

Page 4: Line 44: The word "especially" had been misspelled.

Page 6: Line 12: The term "no-one" was replaced with the words "no one".

Page 11: Line 24: "...the Plans they just approve are not more..."

MOTION by Mr. MacLean seconded by Ms. McConnel to approve the Minutes of August 3, 2011 with the corrections noted.

VOTE: 4-0-2 with Mr. Lindsley and Mr. Sabanty abstaining due to their absence

August 17, 2011

Page 1: Lines 21: Ms. Michelle's last name is Michaud. The correction was made here and elsewhere on Page 1.

Page 2: The State agency funding and coordinating the boat ramp project is the Department of Conservation. Line 20: ~~DOT~~ Maine Department of Conservation (DOC); Line 24: ~~MDOT~~ DOC.

Page 5: Line 48: ~~Provided.~~ There is no pier involved in this project

MOTION by Mr. MacLean seconded by Mr. Sabanty to approve the Minutes of August 17, 2011 with the corrections noted.

VOTE: 5-0-1 with Mr. Sabanty abstaining due to his absence.

3. SITE PLAN REVIEW

TOWN of CAMDEN: Grading/Improvements to Megunticook Lake South Ramp and Parking Lot: Hope Road: Boat Launch: Map 107: Lot 10 (RU-1); Parking Lot: Map 107: Lot 6-1 (RU-2)

The Chair described the Planning Board's Public Hearing procedure and asked the Applicant's representatives for a summary of the project. Ken Bailey, the Town's Lake Warden

and Inland Harbor Master, served as spokesman. Also in attendance to answer questions were Jeff Kuller, head of the Department of Parks and Recreation, Roberta Smith, Town Manager and CEO Steve Wilson, who all had a role in preparing the Application on behalf of the Town.

Mr. Bailey noted the Town had been working on the project to improve safety and environmental conditions at this boat ramp for over three years. Some of the problems at the launch site that will be corrected with this project are:

- The poor drainage caused by the low elevation: Every time the Town brings in gravel to try to raise the level of the site above the high water level the gravel washes out into the lake causing problems with pollution;
- The broken pavement at the ramp causes problems in launching and in hauling boats;
- The practice of backing boat trailers into the water's edge causes serious siltation when the trailers are pulled out;
- Funding comes through the State from motor boat registration fees, but there is now separate launch space for other boaters owning canoes and kayaks which will allow these boaters to quickly launch and retrieve their boats without having to wait for the bigger boats and trailers;
- The current exit has a steep grade making it difficult to exit safely and quickly, and nearly impossible to make left turns. By creating one-way traffic, relocating these drives, and permanently raising the grade, sight distances and safety will be improved.

There is a negative to the project; all parking will be relocated to the other side of Route 105 there is a concern for the safety of pedestrians crossing the road in a high-speed area. Mr. Bailey informed the Board that the CEO has written to the State to request information on the process for lowering the speed limit in the area. More signage will be needed to alert drivers to the situation ahead, and DOT would have to approve that as well.

This ramp was built in the 1950's and very little has been done to maintain or improve the site except bringing in gravel fill. Since that time, usage has steadily increased and the Town needs to make improvements both to clean up the water and to make the site safer to use.

The Chair noted the following documents have been received and made part of the record:

- A letter from Town Attorney Bill Kelly dated August 13, 2011. The letter answers the Board's question regarding the grandfathered status of the launch site with regard to applying sight distance standards.
- A letter from Port Harbor Marine owners Emil Winter and Derek Saunders dated September 1, 2011 written in support of the Application.
- A letter from Don Fullington, a user of the facility, dated August 30, 2011 written in support of the Application.
- A letter received September 1, 2011 from Don Kleiner, a Master Maine Guide and user of the facility, written in support of the Application.
- A letter from Letter from Angela Whelpy, Civil Engineer, TRC Solutions (undated) providing information required as Site Plan Content.
- An email from Mr. Wilson to MDOT regarding lowering the speed limit on Route 105.

The Chair reviewed the Application against outstanding submissions:
The revised submission under review for completeness consists of the following:
Application Packet containing the following documents:

- Application for Site Plan Review dated August 3, 2011
- Deed of Easement between Orman E. Goodwin, Jr. and Blanche L. Goodwin and the Town of Camden dated November 30, 2009
- Easement Parcel Survey recorded December 1, 2009
- An undated and untitled map of the area

Second Application Packet containing the following documents:

- Revised Application for Site Plan Review dated August 3, 2011
- Memo to File from George Powell, Maine Department of Conservation dated September 10, 2008
- Memo to CEO Steve Wilson from Police Chief Randy Gagne dated August 24, 2011
- Aerial Photo Map (undated)
- Parcel Zoning (undated)
- Parcel Boundaries (undated)
- Parcel Identification (undated)
- *Megunticook Lake South Ramp Boating Facility Improvements* easement narrative and *Schedule of Activities* (undated)
- Route 105 Ramp Abutter List (undated)
- Parcel A Description of Land, Hope Road Camden, Maine (undated)
- Landmark Corporation Survey Drawing of Megunticook Lake Boat Ramp at Bog Bridge dated July 22, 2008.

Megunticook Lake Boating Facility Improvement: Division 2 Site Work bid packet dated August 2011

Construction Drawings for the Megunticook Lake South Ramp Boating Facility Improvement consisting of the following:

- Cover Sheet showing a Location Map and an Area Map (undated)

The following Plans all dated July 28, 2011

- Existing Removals Plan
- Proposed Site Plan
- Ramp Profiles & Sections
- Site Details
- Layout Plan
- Proposed Site Plan (revised) dated August 31, 2011

Natural Resources Protection Act Permit Application including October 2010 letter of approval and Maine Department of Environmental Protection Findings of Fact and Order.

Letter from Angela Whelpy, Civil Engineer, TRC Solutions (undated)

Letter from Town Attorney Bill Kelly dated August 31, 2011: Re: Planning Board Review of Route 105 Boat Launch Ramp

Memo from CEO Steve Wilson dated September 1, 2011 to Maine Department of Transportation Region 2 Office *via* email: Subject: Speed limit reduction request, Route 105

Site Plan Content

(a) *Owner's name and address*

Provided.

There is an additional Site Plan Application that now includes the Town of Camden and Orman Jr. and Blanche Goodwin as the property owners. The date is the same as the original submission, and Mr. Wilson said the Applicant's submitted a corrected copy, not a different Application with a new date since that would constitute a new Application.

→ The Goodwin's address was not added to the Plan as requested, but it is included in the abutter's list.

→ The reference to the Easement Agreement between the Town of Camden and the Goodwins was not added to the Plan as requested.

(b) *Names and addresses of all abutting property owners*

Provided.

→ The Goodwin's name and address was not added to their abutting parcel as requested.

→ The ownership of the easement property was clarified as requested.

→ The Stebbens' address was not added to the Plan as requested.

(e) *Zoning classification(s) of the property lines of the property to be developed and the source of this information.*

Provided.

→ The Zoning Districts were not added to the Plan as requested, but a sheet titled "Parcel Zoning" was submitted.

(f) *The bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish on the ground, all property boundaries.*

Satisfied.

→ The bearings and distances were not added to the Plan as requested. Mr. Wilson explained that the Plan gets too crowded with information if all these requirements are on the Plan. Instead, he submitted a description of Parcel A which contains bearings and distances, and noted that the bearings and distances for Parcel B are included in the Easement Description already provided.

(i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

→ The dimensions of the driveways had not been added to the Plan as requested.

Mr. Householder asked that the Applicant be required to add these measurements to the Plan.

(j) *Location of intersecting roads or driveways within 200 feet of the site.*

→ A 200' setback line from the site had been added to the Plan; Codman Island Road is the only road within that setback.

→ The Board had asked that the distances from the driveways to Codman Island Road be added to the Plan; that information was not provided.

Mr. Householder asked that the Applicant be required to add those distances to the Plan; the Board made it very clear that this information was to have been provided and it has not.

(m) *Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.*

Provided.

(n) *Location, front view, and dimensions of existing and proposed signs.*

→ Sign elevations have been submitted to the CEO, but not to the Board.

→ Ken Bailey informed the Board that the location of signs has not yet been determined, and won't be until the site is finished. They may not be installed until next spring, prior to the next

boating season. If they need to come back to the Board for an Amendment to add the actual sign locations to the Plan they will.

(p) *Copies of applicable State and Federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.*

The CEO confirmed that all necessary permits have been received and are still valid; no changes have been made to the design since they were received. No DOT permit is required since there is only a minor re-location of one driveway.

(q) *A signature block on the site plan, including space to record a reference to the order by which the plan is approved.*

→ The Signature Block was added to the Site Plan, but the language regarding approval required by the Ordinance is still missing.

Supplemental Information

(e) Methods of controlling erosion and sedimentation during and after construction.

→ The NRPA Permit contains a detailed Erosion Control Plan and a Plan Note was added regarding Best Management Practices.

(5) In addition to items (a), (c), (d), (l), (m) and (o) in Section 3, applications for Piers, Wharves, Breakwaters and Boat Ramps shall include:

(a) A site plan stamped and sealed by an engineer registered in the State of Maine.

→ The Plan has been sealed and stamped by a TRC Engineer.

(d) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.

Provided.

(e) A detailed plan showing how oils, greases or other contaminants will be separated and handled.

→ A Plan Note explaining the best practices that will be followed was added to the Plan.

(f) Copies of required Maine department of Environmental Protection and United States Army Corps of Engineers permits.

→ All permits have been received.

Other outstanding issues:

Sight distances:

→ The Applicant was asked to flag the 325' distance from the exit driveways for the Site Visit.

→ The Board is also interested in seeing where the 245' sight distance required in a 35mph zone would fall.

The Applicant did not flag these distances when it was discovered that the sight distances were far greater than required: in excess of 500' in either direction; Board members agreed on the Site Visit that the flagging was not necessary.

→ The Town Attorney was asked to provide an opinion regarding the applicability of Section 6 4(a) to a pre-existing exit drive configuration.

Attorney Kelly responded in a letter dated August 31, 2011 explaining the options available to the Board to address a non-conforming pre-existing condition undergoing minimal changes. However, given the actual sight distances the site is not non-conforming in this regard and will meet the standard set out in the criterion.

Speed Limit:

The CEO sent an email dated September 1, 2011 to the DOT requesting information on lowering the speed limit through this area, and promised his continued attention to this matter.

Harbor Committee Jurisdiction.

The CEO sent an email to Board members dated August 22, 2011. He researched the Harbor Ordinance and spoke with the Town Attorney, and he is confident there is no Harbor Committee jurisdiction over this matter.

Sufficiency of Information:

The Board addressed the question of the sufficiency of the information provided with regard to proceeding to a review of the Approval Criteria this evening. Much of the information that they had required of the Applicant to be added to the Plan had not been added. If there is not enough information to judge compliance with the criteria, there will be a problem with going forward this evening. The Chair noted that some things not on the Plan can be added with a Conditional Approval.

Mr. Wilson brought to the Board's attention a memo in the file from the former CEO, Jeff Nims, added when the Application was first submitted in 2010. Mr. Nims was of the opinion that the entrances and exits fall within the purview of DOT, and do not have to be reviewed by the Board. Mr. Wilson also added that DOC submits Site Plan Applications as a courtesy to Towns where they are doing work – they are not required to do so. Accepting these premises, the launch area would not have to be reviewed at all; the parking area does require review, however.

The Board discussed whether or not the fact that DOC, via the Town, is bringing this Application forward means that there should be no review of the launch site and the entrances, and all agreed that the Ordinance should be applied to this Application. Mr. Sabanty noted that the decision on whether or not to proceed is complicated because the money for the project will disappear if there are any delays. The Chair replied that it is always difficult in these situations when an Application comes forward in great haste, but that the Ordinance must be applied fairly to all. They should determine if they have enough information to move forward this evening. He realizes the Application must be approved this evening and believes that if all the information is available to make determinations with regard to safety, they can move forward with a Conditional Approval based on the accompanying documentation. If they move forward without everything they have requested, it is very important that all of the documents used to make their decision be listed on the Plan.

Mr. Sargent agrees they can move forward. He does believe this is one of the worst applications the Board has received, but it is a Public project and they should listen to what people have to say. Then they can go through the review and make their Conditions of Approval and the project won't be able to start until all of these conditions have been met.

Public Comment:

Wayne Tibbets: Rockland: He uses the facility and it is in deplorable condition. He finds it very difficult to use the ramp, especially when he is alone, and especially difficult to work on the uneven ramp to put the boat back onto the trailer. This sounds like a good project and he doesn't think the Board should nickel and dime it to death.

Jeff Kuller: As Director of Parks and Recreation, he will be co-managing this project with the Lake Warden. He hopes the Board can keep the big picture and not get hung up on details. This will be a vast improvement on all levels, and he doesn't see anything material that should hold it up.

No one else came forward, the Public Comment period was closed, and the Board moved to review. There are four regular members present; Mr. Lindsley yielded to Ms. McConnel who will sit as a voting member for the review of this Application.

SITE PLAN APPROVAL CRITERIA:

(1) *Preserve and Enhance the Landscape*

MOTION by Mr. Sargent seconded by Mr. Householder that the Applicant has show that the landscape will be preserved and enhanced because there will be a minimum amount of clearing or disturbance and by the submission of a Schedule of Landscaping to be done at the completion of the project.

VOTE: 5-0-0

(2) *Erosion Control*

- (a) preservation and protection of natural vegetation where possible
- (b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.
- (c) Use of temporary vegetation or mulching to protect exposed critical areas during development.
- (d) Use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from storm water runoff.
- (e) No storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.
- (f) No removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be revegetated.

MOTION by Mr. Sabanty seconded by Mr. Sargent that the Applicant has satisfied the criteria of #2, Erosion Control, as shown on the Plan dated August 31, 2011, and in the NRPA literature.

VOTE: 5-0-0

(3) *Relationship of the Proposed Building to Environment and Neighboring Buildings*

MOTION by Mr. MacLean seconded by Mr. Sabanty that the Board determine that this criterion does not apply because there are no proposed buildings.

VOTE: 5-0-0

(4) *Vehicular Access, Parking, and Circulation*

The proposed site layout shall provide for safe access to and egress from public and private roads:

- (a) any exit driveway shall be so designed as to provide the following minimum sight distance measured in each direction, as measured from the point at which the driveway meets the public or private right-of-way.
- (b) the street serving the site shall be adequate to carry the anticipated traffic, and the site plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.
- (c) pedestrian ways shall be safely separated from vehicular traffic

The Chair reminded the Board of Mr. Kelly's opinion with regard to vehicular access – that parts of this criterion are not applicable here.

Discussion: Conditions of Approval

Mr. Householder would like it noted in the record that the Board is very concerned about safety, and encourages the Applicant to do everything they can to improve the safety of the users, especially the pedestrians. He wants a Condition of Approval that will reflect the need for dimensions on the Site Plan. The Chair suggested that the Board go back to the submission requirements, discuss what information is missing from the Plan that they feel is important to add as a Condition of Approval, and include all of those conditions at this point in the review.

The Board developed eight conditions that must be met before the Plan is signed:

1. Add a Note to the Plan stating that includes all of the submissions under review here this evening.
2. Add the following seven measurements to the Plan:
 1. The distance from the surveyors pin at the southeast corner of Parcel A to the centerline of Codman Island Road.
 2. The distance from the surveyors pin at the southeast corner of Parcel A to the centerline of the entrance to Parcel A.
 3. The distance from the surveyors pin at the southeast corner of Parcel A to the centerline of exit from Parcel A.
 4. The distance from the centerline of Codman Island Road to the centerline of the entrance to Parcel A.
 5. The distance from the centerline of Codman Island Road to the exit from Parcel A.
 6. The width of the entrance to Parcel A.
 7. The width of the exit from Parcel A.
3. Add the width of the travel lane within the ramp site at its narrowest point.
4. Add a Note to the Plan stating that the temporary stone barricade in the ramp site is to be set back from the travel lane a minimum of nine feet.
5. Add to the Plan at Parcel B, the following language: "Easement to the Town of Camden recorded December 1, 2008 Knox County Registry of Deeds Book 4187 Page 283"
6. Add a General Note to the Plan stating that all signs are standard State Highway Department signs to be located at the discretion of the Camden Parks and Recreation Department and the Lake Warden.

7. Add a Note to the Plan stating the following: “The PB’s greatest concern with the Plan is its impact on the safety of pedestrians and vehicles crossing Route 105 between the launch area and the parking area. The number of those daily crossings could increase from zero to 150 and the Applicant is directed to make all efforts to make the crossings as safe as possible.”
8. Correct the Signature Block to meet the requirements set forth in Article XII Section 3. (q).

MOTION by Mr. Sargent seconded by Mr. MacLean that the Board finds the Application satisfies Vehicular Access, Parking, and Circulation regarding layout of the site subject to the satisfaction of the eight listed items to be added to the Site Plan before signing.

VOTE: 5-0-0

(5) *Surface Water Drainage*

MOTION by Mr. Householder seconded by Mr. Sargent that #5, Surface Water Drainage, is satisfied by the letter from Angela Whelpy stating that there will be no significant alteration to drainage due to the fact that there will be a net reduction in the amount of impervious surface at the site.

VOTE: 5-0-0

(6) *Public Utilities*

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities. New utilities shall be sized and existing utilities upgraded to adequately handle the demands of the development.

MOTION by Mr. Householder seconded by Mr. Sargent that this part of the requirements is not applicable since there are no existing utilities impacted and no new utilities proposed.

VOTE: 5-0-0

(7) *Special Features of Development*

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties.

MOTION by Mr. MacLean seconded by Mr. Householder that Special Features of Development is not applicable.

VOTE: 5-0-0

(8) *Exterior Lighting*

MOTION by Mr. MacLean seconded by Mr. Householder that the Application provides for no exterior lighting.

VOTE: 5-0-0

(9) *Emergency Vehicle Access*

MOTION by Mr. Householder seconded by Mr. Sabanty that this requirement does not apply because there are no buildings or structures.

VOTE: 5-0-0

- (10) *Special criteria for Piers, Wharves, Breakwaters, Municipal Boat Ramps, Municipal Piers, Consolidated Piers and other mariner related uses* requiring site plan approval under the terms of the Ordinance. In addition to the above approval criteria, the site must be

demonstrated to be suitable for the proposed use according to the following special criteria.

(a) The project must not cause undue erosion on or near the site.

(b) The proposed use must not cause degradation of marine life in or near the area. The Board may ask for an examination and statement by a qualified marine biologist regarding the impact of the project, and that statement shall show no significant adverse impact on marine life.

MOTION by Mr. Sargent seconded by Mr. Householder that Item #10, Special Criteria for Piers, Wharves, Breakwaters, etc. is satisfied because the project reduces erosion, and based on the Findings in the NRPA submission, there will be degradation of marine life.

VOTE: 5-0-0

(11) *Design standards for new construction, additions or exterior renovations in the B-1, B-TH or B-TR Zoning Districts.*

MOTION by Mr. MacLean seconded by Mr. Householder that the Design Standards criterion does not apply.

VOTE: 5-0-0

MOTION by Mr. Householder seconded by Mr. Sargent that the Megunticook Boat Facility Improvement Site Plan has met all Approval Criteria, with eight conditions noted in the record that must be met before the Plan is signed, and is approved.

VOTE: 5-0-0

NOTE: Mr. Sabanty left the meeting at this point; Alternate Member Mr. Lindsley will sit as a voting member for the duration of the meeting.

4. PRIVATE WAY

William and Ann Kirill: Map 127: Lot 4-1: Coastal Residential District (CR): Sherman's Point Road

Jim Dorsky of Gartley and Dorsky Engineering and Surveying represented the Applicants who are seeking permission to construct a Private Way over their property to serve as a new right-of-way to the existing residence on an abutting lot owned by the McCabes. Mr. Dorsky had with him a revision to Plan S-V1 and a Road Maintenance Agreement, both dated September 1, 2011. Mr. Dorsky explained that that Mrs. McCabe had been unavailable to finalize the agreement on the Road Maintenance Agreement. His client's attorney, Jim Elliott, created this version in which Mr. Kirill assumes full responsibility for road maintenance. This was done without Mrs. McCabe's participation only to meet the submission requirements of the Ordinance. The Kirill's intent is to revise this document when Mrs. McCabe is available to do so, and make both property owners equally responsible for costs. This agreement will be recorded at the Knox Country Registry of Deeds, as will the revised agreement once it is signed.

Mr. Dorsky explained that the Kirill property and the McCabe property were once one lot, and the only residence, the McCabe home, was served by the current private drive. The division of the property between Mrs. McCabe and her sister, Helen Marr, was resolved by a Court Order, and part of that order addressed future access to the McCabe property by declaring that: the current drive can be relocated only by agreement of both parties; that it must be a drive that is better in quality than the current drive; and it must enter the McCabe property at the same location. An issue created by the court-ordered division is that the McCabe lot was left without

the road frontage required by the Zoning Ordinance and resulted in the McCabe lot being created as a non-conforming lot. The road frontage will be created by extending the Private Way into the McCabe property by the required distance, and the frontage will be put in place with the finalization of the Road Maintenance Agreement. In the meantime, the tag extension to the drive providing that frontage has been removed from the revised SV-1 Plan dated September 1, 2011; the Plan will be revised again to show the frontage once the final agreement is signed. The Kirills, who purchased the property from Mrs. McCabe's sister, are breaking off a lot to sell and have a Purchase and Sales Agreement in hand. The current drive runs right along the shore for a good portion of this new lot and the buyers would rather not have the McCabe's driveway in front of their future home. Mr. Dorsky stated that there is a benefit to relocating this road in that it moves the drive out of the set-back of the non-stable coastal bluff area where the current drive is located. He added that the proposed road does not impact any wetlands, and it meets the grade requirements of the Ordinance.

Mr. Wilson added that this division of the Kirill lot is not a subdivision because the first division of the original lot was accomplished in court and those divisions are exempt from the Subdivision Law. Otherwise, this division would require subdivision and this would be a subdivision road being reviewed under that Ordinance.

The Chair addressed the fact that his law partner, Jim Elliott, is involved with this proposal and asked whether or not members of the Board found any conflict of interest in his participation in this review. Mr. Dorsky explained what he knew of Mr. Elliott's participation: he drafted the Road Maintenance Agreement and he will be involved in the closing for the pending sale of the lot created by the Kirills. Mr. MacLean explained that the firm's financial arrangements provide for completely separate distribution of all fees collected, and that he has no knowledge of or financial interest in any of Mr. Elliott's transactions. He does not believe he has a conflict, and neither did any of the other Board members.

The Applicants are here because the proposed Private Way is 560' in length and exceeds the 500' trigger for review. The Plan under review consists of:

Application Packet including:

- Application for Site Plan Review dated August 16, 2011
- Tax Map 127 dated March 23, 2010
- Abutter List (part of Application packet)
- Road Maintenance Agreement dated September 1, 2011
- SV-1 Plan of a Private Way dated August 16, 2011 and revised August 31, 2011
- C-1 Private Way Road Design dated August 16, 2011 and revised August 31, 2011

Questions from the Board:

Mr. Sargent: Asked if there should be a Note added to the Plan stating that the existing road will be abandoned and the easement granting the McCabes access over the road extinguished; without that language it will appear as if the road still exists. Mr. MacLean suggests that the Court Order does not prevent the two landowners (on what is now the Kirill property) from reaching an agreement to keep the current drive for their use. Mr. Wilson informed the Board that he understands from the Kirills that the current drive will be re-naturalized. Mr. MacLean is concerned about approving a Plan that does not depict what is being approved. Mr. Wilson notes there is no statement on the Application that calls for removing the current drive. The Board determined that no notation regarding the future of the drive is needed.

Mr. MacLean: The Ordinance gives the Board the opportunity to make a site visit before granting approval and asks if the Board feels this is necessary here:

Mr. Householder believes sufficient information has been presented by the Applicant to make a decision without a site visit and others agreed; there will be no Site Walk and the Board can proceed to review and approval this evening.

Article XIV: PRIVATE WAYS:

Section 2(2) (b) An application for a permit for a private way shall contain, at least, the following information:

(a) Applicant's name and address:

Provided on Application.

(b) Name and addresses of all abutting lot owners served by the private way:

Provided with Application packet.

(c) A plan prepared by a registered land surveyor which shall delineate the existing and the proposed private way and each of the lots to be served by the private way, and that plan shall be labeled "Plan of a Private Way":

Provided.

(i) the plan shall bear a note that the Town of Camden shall not be responsible for the maintenance, repair, plowing or sanding of the private way, and that further lot divisions utilizing the private way are prohibited without the prior approval of the Planning Board.

Provided on SV-1.

(ii) the plan shall show the intersection of the private way with any public way or Town road and the sight distances from that intersection on both approaches to the private way from the public way or Town road:

Provided on SV-1.

(d) Maintenance Agreement:

Provided.

(e) A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:

(i) the proposed method of handling storm water runoff

Provided on C-1.

(ii) the direction or flow of runoff through the use of arrows; and

Provided on C-1.

(iii) the location of drainage ditches, swales, retention basins, and other features designed to regulate or control drainage.

Provided on C-1.

(f) The Applicant shall submit such further information as the Planning Board may require in circumstances in which the Planning Board determines that, due to the scale, nature of the proposed private way, or the impact of the private way on safety considerations such information is necessary to insure compliance with the intent and purposes of this Article of the Ordinance.

The Board agreed there were no unusual circumstances warranting a request for additional information.

Section 3. Waiver of Submission Requirements

There were no waivers requested.

The Board agreed the Application was complete, the late submission of the Road Maintenance Agreement did not have a material impact, and that they could move forward to review of the Approval Criteria.

Section 4. Approval Criteria

(1) A turn-out to provide space for two vehicles to pass, measuring a minimum of 10' wide by 50' long, shall be provided for every 500' of a private way. For a diagram of Section 4(1), see Schedule A attached to this ordinance section and incorporated by reference herein.

MOTION by Mr. Sargent seconded by Mr. Householder that the Applicant's design has provided for a turnout that meets the requirements of the Ordinance.

VOTE: 5-0-0

(2) The private way shall establish and maintain a minimum of 14' of vertical clearance.

MOTION by Mr. Sargent seconded by Mr. Householder that #2 is satisfied by a Plan Note on C-1 stating that a minimum of 14' of vertical clearance is required.

VOTE: 5-0-0

(3) The private way shall be designed so that the private way shall not be subject to seasonal flooding or washout and the Planning Board may require, as a condition of approval, drainage ditches and culverts to meet this criteria.

MOTION by Mr. Sargent seconded by Mr. Householder that based on the Engineer's statements the Private Way is designed so it will not be subject to seasonal flooding or washout.

VOTE: 5-0-0

(4) The intersection of a private way with a public way or Town road shall not present a safety hazard and there shall be sufficient sight distance from that intersection in both directions along the public way or Town road.

MOTION by Mr. Sargent seconded by Mr. Householder that the intersection of the Private Way with the Public Way does not constitute a hazard because the sight distance is over 500' looking west and 476' looking east.

VOTE: 5-0-0

(5) The intersection of the private way with driveways and the steepness of the private way shall not cause a hazard to pedestrian or vehicular traffic.

Discussion: Mr. Dorsky stated that the steepest grade on the road was 5 ½ %; well under the maximum allowed. The minimum width required is 10' but they added 1' shoulders on each side as well as a turn-around at the end of the road that meet the standards of this Article.

MOTION by Mr. Sargent seconded by Mr. Householder that based on the design and the grade at the intersection with the Public Way, the Private Way will not cause a hazard to pedestrian or vehicular traffic.

VOTE: 5-0-0

(6) The maintenance agreement submitted by the Applicant shall adequately specify the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way so that the private way is properly maintained and repaired.

MOTION by Mr. Sargent seconded by Mr. Lindsley that the Maintenance Agreement submitted by the Kurills satisfies the maintenance agreement requirements.

VOTE: 5-0-0

(7) Dead ends in a private way of more than 500' in length shall have a solid paved circle with a minimum radius of 40', or a turn around that is a minimum of 20' wide and 40' deep and located at least 40' and no more than 60' from the dead end. For a diagram in connection with this approval criteria, see Schedule A attached to this ordinance section and incorporated by reference into this ordinance section.

MOTION by Mr. Householder seconded by Mr. Lindsley that Drawing SV-1 shows that the Private Way meets the dead-end dimension requirements.

VOTE: 5-0-0

(8) The proposed private way...shall meet the following minimum construction standards:
Minimum, roadway width - 10'; Minimum width of right-of-way - 30'; Minimum sub-base (6) inch minus) - 12"; Minimum wearing surface (1 inch minus) - 2"; Maximum grade - 10%:
Minimum grade - 0.5%

Discussion: This design calls for 10" of 6" minus stone and 4" of 1" minus aggregate. According to the Applicant, this is the new industry standard. The Kurill's design also calls for fabric underlying all, which is not required here. Bill Lane, an engineer with Gartley and Dorsky also present this evening, argued that if need be, 2" of the 1" minus could be counted toward the Ordinance's 12" sub-base requirement since it does meet the standard of 6" minus. This still leaves 2" of 1" minus to count as the wearing surface. The new industry standards are meant to make the road more stable, and the fabric adds to that stability. The Chair suggested that the Board could find that the Applicant met the requirement in a way other than that spelled out in this item. Mr. Wilson noted that this method of construction is more expensive than that required by the Ordinance. The Chair agreed that this showed that the Applicants were not skimping on construction costs and acting in bad faith to circumvent the Ordinance. He believes they can find this criterion has been met even though it does not meet the criterion as defined.

MOTION by Mr. Householder seconded by Mr. Lindsley that the proposed Private Way as depicted on SV-1 does meet the minimum standards of Section 4 (8) as specified, and as stated by the engineer, it exceeds those requirements in some cases.

VOTE: 5-0-0

(9) For an application for the extension or addition to an existing private way constructed on or before June 9, 1998...

MOTION by Mr. MacLean seconded by Mr. Lindsley that this criterion does not apply.

VOTE: 5-0-0

MOTION by Mr. Sargent seconded by Mr. Lindsley that since all of the Approval Criteria have been satisfied or found to be not applicable the Application has met the requirements and the Plan should be approved.

VOTE: 5-0-0

Members signed the Plan for a Private Way.

The Board discussed their policy with regard to the time frame for beginning review or deliberation of new applications. The official protocol calls for no consideration of new items after 8:30 and going no later than 9:00 in any case. The time was now 8:15 and the Board proceeded to consideration of the next agenda item.

5. SITE PLAN AMENDMENT: Improve Drainage

The Community School: Map 120: Lot 108: Traditional Village District (V): 79 Washington Street

The Applicant was represented by Bill Lane, Gartley and Dorsky Engineering and Surveying, seeking permission for an Amendment to an Approved Site Plan for the purpose of improving drainage over the site. Mr. Lane explained that the original 1989 Site Plan to add an addition to the rear of the school, also called for drainage improvements at the rear of the property that were never completed as designed. The revised Site Plan, C-1, dated August 17, 2011, shows the original proposed changes and the current as-built situation. At the time of construction a catch basin 4' in diameter that was called for in the 1989 Site Plan was installed, but it was never connected to the Town stormwater line on Washington Street as proposed and it served essentially as a stone dry well. This design has proven inadequate to handle the flow of storm water over the site. In addition, the installation of additional pavement and grading done at this time resulted in the infiltration of ground water into the foundation of the building. All this has prompted the school to propose a plan to correct these problems.

Recently the School came forward with a request for a Site Plan Amendment to relocate the ADA ramp, change the parking at the front of the school, improve the entrance, and make changes to the drainage system in the rear of the lot; their request to have these changes heard as an amendment was denied. The plan now is to optimize the drainage in the rear area. In addition, as a benefit to the Town, they will work to re-route as much of the water that collects at the intersection of Spring and Washington Streets as possible. They have scaled back the scope of proposed changes and hope that the Board might reconsider and hear this revised proposal as a Site Plan Amendment.

Specifically, those changes proposed as an amendment this evening are:

- Install a drain line at the rear of the building to collect roof leaders as well as the discharge from an existing, and a newly installed, basement sump pump and send it to the Town's street drainage.
- Install a new catch basin at the property line to catch as much
- He continues to talk to Rick Seibel to confirm that they can make this connection at Spring Street. Mr. Seibel has a concern that since this is recently repaved caution must be taken to protect the paved overlay. To do this, they must approach the line underground in a lateral direction and connect to the line without disturbing the paved surface.

Questions from the Board:

Mr. Sargent:

The pipe exiting the existing catch basin appears to go all the way to Washington Street – is this accurate? Mr. Lane explained that it is only a 2' - 3' extension that ends at the catch basin, and agreed that this detail needs to be corrected.

Mr. Lane clarified that all three roof leaders will be fed into the same 12" line that connects the sump pumps to the catch basin. That line is new to this Plan; there is a Plan Note saying that all leaders will be connected to the new storm pipe; and graphically there is one pipe showing the connection to the sump pump.

Mr. Sargent noted that the recently proposed amendment that came before the Board addressed the poor drainage situation on Washington Street – that is not part of this plan. Mr. Lane replied that the primary reason for this work on Washington Street was to improve the ADA access to the building, not to address drainage, but that side of the building is not receiving any treatment at this time. This Plan can be carried forward sometime in the future if that work is to be done.

Mr. Sargent noted that Washington Street is improperly named Washington Avenue on this Plan – that needs to be corrected.

Mr. MacLean agrees that the scope of the work now being proposed is much more limited than the previous proposal, and suggested that the Board consider the Applicant's renewed request to treat this proposal as an amendment. He believes that because this is a new submission, the Board can consider this request separately; the Board agreed that the Plan is more narrow and they should consider whether or not this proposal qualifies as an amendment by determining whether or not the revisions have a minor or no new affect on the Approval Criteria or any Conditions of Approval. Members of the Board liked the changes made to the proposal and agreed it was much more limited in scope.

MOTION by Mr. MacLean seconded by Mr. Householder to treat this Application as an Amendment rather than as a new Application for Site Plan Review.

VOTE: 5-0-0

SITE PLAN APPROVAL CRITERIA: The Board will not make findings, but simply discuss whether or not there is any impact as a result of the changes.

(1) *Preserve and Enhance the Landscape*

There are no trees or shrubs in the area to be disturbed. Mr. Lane stated that there is very thin vegetative growth in this area, but there is fencing to screen the lot and plant materials are shown on the Plan.

No affect.

(2) *Erosion Control*

- (a) preservation and protection of natural vegetation where possible
- (b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.
- (c) Use of temporary vegetation or mulching to protect exposed critical areas during development.
- (d) Use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from storm water runoff.
- (e) No storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.
- (f) No removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be re-vegetated.

The Plan makes adequate provisions to control erosion.

(3) *Relationship of the Proposed Building to Environment and Neighboring Buildings*
There are no new buildings.

(4) *Vehicular Access, Parking, and Circulation*

The proposed site layout shall provide for safe access to and egress from public and private roads:

(a) any exit driveway shall be so designed as to provide the following minimum sight distance measured in each direction, as measured from the point at which the driveway meets the public or private right-of-way.

(b) the street serving the site shall be adequate to carry the anticipated traffic, and the site plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.

(c) pedestrian ways shall be safely separated from vehicular traffic

There is no modification to vehicular access to the Site.

(5) *Surface Water Drainage*

The intent of this Application is to remove storm water from the Site.

→ A request was made of the Applicant to correct the pipe exiting the catch basin as shown on this Plan.

(6) *Public Utilities*

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities. New utilities shall be sized and existing utilities upgraded to adequately handle the demands of the development.

→ A statement is needed for the file from Rick Seibel, Director of Public Works, with regard to his approval for the Spring Street storm water line connection.

(7) *Special Features of Development*

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties.

There are no Special Features of Development here.

(8) *Exterior Lighting*

No exterior lighting is proposed.

(9) *Emergency Vehicle Access*

This does not apply – there are no new buildings.

(10) *Special criteria for Piers, Wharves, Breakwaters...*

This does not apply.

(11) *Design standards for new construction, additions or exterior renovations in the B-1, B-TH or B-TR Zoning Districts.*

This project is in the Village District.

MOTION by Mr. Sargent seconded by Mr. Householder to find the Amendment to the Community School Site Plan is acceptable provided that Washington Street is properly labeled, the storm drain catch basin in the parking lot is accurately depicted, and the Applicant secures written approval from the Director of Public Works relative to their connection to the existing Town storm drain.

VOTE: 5-0-0

5. DISCUSSION:

Due to the lateness of the hour the CEO suggested that the Board skip the Discussion portion of the Agenda; members agreed but did need to address the upcoming meeting schedule.

The PopTech! and Juice conferences will displace the Planning Board from their meeting room on October 20th and November 3rd respectively. In the past the Board meets in the Fire Station conference room when this happens, but there is no way to record the meetings in this location that produces a good record. Mr. Wilson will check to see if there is any way that the security camera recording system can be fed into a digital media. Otherwise, the Board may skip the meeting(s) if there is no business, or reschedule if they need to meet.

The Mid-coast Regional Planning Commission annual fall meeting will be held on October 27 at the Hutchinson Center in Belfast. Members interested in attending should let Mr. Wilson know.

The Select Board will hear proposed amendments, including the Historic Preservation Article, on September 6 at 7pm in the Opera House. Mr. Householder has prepared an informational hand-out discussing the connection of this amendment to the Comprehensive Plan. He urged members to attend, but is not hopeful that there is sufficient support on the Select Board to send this proposal forward to the voters.

There being no further business before the Board they adjourned at 9:00 pm

Respectfully submitted,
Jeanne Hollingsworth, Recording Secretary